

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELICIA ROSA,

Plaintiff,

-v-

PATHSTONE CORPORATION, *et al.*,

Defendants.

23-CV-1071 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this Action under the Fair Housing Act (“FHA”), 42 U.S.C. § 3604, and 42 U.S.C. § 1983, alleging that Defendants violated her rights by terminating her Section 8 housing voucher. (*See* Second Amended Complaint (Dkt. No. 11).) By order dated February 15, 2023, Chief Judge Swain granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. (*See* Order (Dkt. No. 6).)

I. Discussion

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses and the Second Amended Complaint until the Court reviewed it and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date summonses are issued.

To allow Plaintiff to effect service on Defendants Pathstone Corporation, Megan Jackson, Zelma Dasilva, and Damaris Gonzalez through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each Defendant. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants.

If the Second Amended Complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the Action if Plaintiff fails to do so.

II. Conclusion

The Clerk of Court is instructed to issue summonses for Defendants Pathstone Corporation, Megan Jackson, Zelma Dasilva, and Damaris Gonzalez, complete the USM-285 forms with the addresses for these Defendants, and deliver to the U.S. Marshals Service all documents necessary to effect service.

The Clerk of Court is also directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: July 14, 2023
White Plains, New York



KENNETH M. KARAS
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Pathstone Corporation
1 Industrial Drive, Suite 3
Middletown, New York 10941
2. Megan Jackson
Director of Section 8 Orange & Sullivan
Pathstone Corporation
1 Industrial Drive, Suite 3
Middletown, New York 10941
3. Zelma Dasilva
Pathstone Corporation
1 Industrial Drive, Suite 3
Middletown, New York 10941
4. Damaris Gonzalez
Pathstone Corporation
1 Industrial Drive, Suite 3
Middletown, New York 10941